

House Engrossed

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**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
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CHAPTER 6

HOUSE BILL 2167

AN ACT

AMENDING SECTIONS 13-3401 AND 36-2512, ARIZONA REVISED STATUTES; RELATING TO
DRUG OFFENSES AND CONTROLLED SUBSTANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3401, Arizona Revised Statutes, is amended to read:

13-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.

3. "Board" means the Arizona state board of pharmacy.

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

5. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

6. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:

(a) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances and their salts, isomers, WHETHER OPTICAL, POSITIONAL OR GEOMETRIC, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Alpha-ethyltryptamine.

(ii) Aminorex.

(iii) 4-bromo-2, 5-dimethoxyphenethylamine.

(iv) 4-bromo-2, 5-dimethoxyamphetamine.

(v) Bufotenine.

(vi) Diethyltryptamine.

(vii) 2, 5-dimethoxyamphetamine.

(viii) Dimethyltryptamine.

(ix) 5-methoxy-3, 4-methylenedioxyamphetamine.

(x) 4-methyl-2, 5-dimethoxyamphetamine.

(xi) Ibogaine.

(xii) Lysergic acid amide.

- 1 (xiii) Lysergic acid diethylamide.
- 2 (xiv) Mescaline.
- 3 (xv) 4-methoxyamphetamine.
- 4 (xvi) Methoxymethylenedioxyamphetamine (MDA).
- 5 (xvii) Methylenedioxyamphetamine (MDA).
- 6 (xviii) 3, 4-methylenedioxyamphetamine.
- 7 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.
- 8 (xx) N-ethyl-3-piperidyl benzilate (JB-318).
- 9 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 10 (xxii) N-methyl-3-piperidyl benzilate (JB-336).
- 11 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 12 (xxiv) Nabilone.
- 13 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 14 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 15 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 16 (xxviii) Para-methoxyamphetamine (PMA).
- 17 (xxix) Psilocybin.
- 18 (xxx) Psilocyn.
- 19 (xxxi) Synhexyl.
- 20 (xxxii) Trifluoromethylphenylpiperazine (TFMPP).
- 21 (xxxiii) Trimethoxyamphetamine (TMA).
- 22 (xxxiv) 1-PENTYL-3-(NAPHTHOYL)INDOLE (JWH-018 AND ISOMERS).
- 23 (xxxv) 1-BUTYL-3-(NAPHTHOYL)INDOLE (JWH-073 AND ISOMERS).
- 24 (xxxvi) 1-HEXYL-3-(NAPHTHOYL)INDOLE (JWH-019 AND ISOMERS).
- 25 (xxxvii) 1-PENTYL-3-(4-CHLORO NAPHTHOYL)INDOLE (JWH-398 AND ISOMERS).
- 26 (xxxviii) 1-(2-(4-(MORPHOLINYL)ETHYL))-3-(NAPHTHOYL)INDOLE (JWH-200
- 27 AND ISOMERS).
- 28 (xxxix) 1-PENTYL-3-(METHOXYPHENYLACETYL)INDOLE (JWH-250 AND ISOMERS).
- 29 (xl) (2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-NAPHTHALENYL-METHANONE
- 30 (JWH-015 AND ISOMERS).
- 31 (xli) (6aR, 10aR)-9-(HYDROXYMETHYL)-6,6-DIMETHYL-3-(2-METHYLOCTAN2-
- 32 YL)-6a,7,10,10a-TETRAHYDROBENZO[C]CHROMEN-1-OL) (HU-210).
- 33 (xlii) 5-(1,1-DIMETHYLHEPTYL)-2-(3-HYDROXY CYCLOHEXYL)-PHENOL
- 34 (CP 47,497 AND ISOMERS).
- 35 (xliii) 5-(1,1-DIMETHYLOCTYL)-2-(3-HYDROXY CYCLOHEXYL)-PHENOL
- 36 (CANNABICYCLOHEXANOL, CP-47,497 C8 HOMOLOGUE AND ISOMERS).
- 37 (b) Any material, compound, mixture or preparation which contains any
- 38 quantity of the following substances and their salts, optical isomers, and
- 39 salts of optical isomers having a potential for abuse associated with a
- 40 stimulant effect on the central nervous system:
- 41 (i) Amphetamine.
- 42 (ii) Benzphetamine.
- 43 (iii) Benzylpiperazine (BZP).
- 44 (iv) Butorphanol.
- 45 (v) Cathine ((+)-norpseudoephedrine).

- 1 (vi) Cathinone.
- 2 (vii) Chlorphentermine.
- 3 (viii) Clortermine.
- 4 (ix) Diethylpropion.
- 5 (x) Fencamfamin.
- 6 (xi) Fenethylline.
- 7 (xii) Fenproporex.
- 8 (xiii) Mazindol.
- 9 (xiv) Mefenorex.
- 10 (xv) Methamphetamine.
- 11 (xvi) Methcathinone.
- 12 (xvii) 4-methylaminorex.
- 13 (xviii) Methylphenidate.
- 14 (xix) Modafinil.
- 15 (xx) N-ethylamphetamine.
- 16 (xxi) N, N-dimethylamphetamine.
- 17 (xxii) Pemoline.
- 18 (xxiii) Phendimetrazine.
- 19 (xxiv) Phenmetrazine.
- 20 (xxv) Phentermine.
- 21 (xxvi) Pipradol.
- 22 (xxvii) Propylhexedrine.
- 23 (xxviii) Pyrovalerone.
- 24 (xxix) Sibutramine.
- 25 (xxx) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 26 (c) Any material, compound, mixture or preparation which contains any
- 27 quantity of the following substances having a potential for abuse associated
- 28 with a depressant effect on the central nervous system:
- 29 (i) Any substance which contains any quantity of a derivative of
- 30 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 31 specifically excepted.
- 32 (ii) Alprazolam.
- 33 (iii) Bromazepam.
- 34 (iv) Camazepam.
- 35 (v) Carisoprodol.
- 36 (vi) Chloral betaine.
- 37 (vii) Chloral hydrate.
- 38 (viii) Chlordiazepoxide.
- 39 (ix) Chlorhexadol.
- 40 (x) Clobazam.
- 41 (xi) Clonazepam.
- 42 (xii) Clorazepate.
- 43 (xiii) Clotiazepam.
- 44 (xiv) Cloxazolam.
- 45 (xv) Delorazepam.

- 1 (xvi) Diazepam.
- 2 (xvii) Dichloralphenazone.
- 3 (xviii) Estazolam.
- 4 (xix) Ethchlorvynol.
- 5 (xx) Ethinamate.
- 6 (xxi) Ethyl loflazepate.
- 7 (xxii) Fenfluramine.
- 8 (xxiii) Fludiazepam.
- 9 (xxiv) Flunitrazepam.
- 10 (xxv) Flurazepam.
- 11 (xxvi) Gamma hydroxy butyrate.
- 12 (xxvii) Glutethimide.
- 13 (xxviii) Halazepam.
- 14 (xxix) Haloxazolam.
- 15 (xxx) Ketamine.
- 16 (xxxi) Ketazolam.
- 17 (xxxii) Loprazolam.
- 18 (xxxiii) Lorazepam.
- 19 (xxxiv) Lormetazepam.
- 20 (xxxv) Lysergic acid.
- 21 (xxxvi) Mebutamate.
- 22 (xxxvii) Mecloqualone.
- 23 (xxxviii) Medazepam.
- 24 (xxxix) Meprobamate.
- 25 (xl) Methaqualone.
- 26 (xli) Methohexital.
- 27 (xlii) Methypylon.
- 28 (xliii) Midazolam.
- 29 (xliv) Nimetazepam.
- 30 (xlv) Nitrazepam.
- 31 (xlvi) Nordiazepam.
- 32 (xlvii) Oxazepam.
- 33 (xlviii) Oxazolam.
- 34 (xlix) Paraldehyde.
- 35 (l) Petrichloral.
- 36 (li) Phencyclidine.
- 37 (lii) Pinazepam.
- 38 (liii) Prazepam.
- 39 (liv) Scopolamine.
- 40 (lv) Sulfondiethylmethane.
- 41 (lvi) Sulfonethylmethane.
- 42 (lvii) Sulfonmethane.
- 43 (lviii) Quazepam.
- 44 (lix) Temazepam.
- 45 (lx) Tetrazepam.

- 1 (lxi) Tiletamine.
- 2 (lxii) Triazolam.
- 3 (lxiii) Zaleplon.
- 4 (lxiv) Zolazepam.
- 5 (lxv) Zolpidem.

6 (d) Any material, compound, mixture or preparation which contains any
7 quantity of the following anabolic steroids and their salts, isomers or
8 esters:

- 9 (i) Boldenone.
- 10 (ii) Clostebol (4-chlorotestosterone).
- 11 (iii) Dehydrochloromethyltestosterone.
- 12 (iv) Drostanolone.
- 13 (v) Ethylestrenol.
- 14 (vi) Fluoxymesterone.
- 15 (vii) Formebolone (formeblone).
- 16 (viii) Mesterolone.
- 17 (ix) Methandriol.
- 18 (x) Methandrostenolone (methandienone).
- 19 (xi) Methenolone.
- 20 (xii) Methyltestosterone.
- 21 (xiii) Mibolerone.
- 22 (xiv) Nandrolone.
- 23 (xv) Norethandrolon.
- 24 (xvi) Oxandrolone.
- 25 (xvii) Oxymesterone.
- 26 (xviii) Oxymetholone.
- 27 (xix) Stanolone (4-dihydrotestosterone).
- 28 (xx) Stanozolol.
- 29 (xxi) Testolactone.
- 30 (xxii) Testosterone.
- 31 (xxiii) Trenbolone.

32 7. "Deliver" means the actual, constructive or attempted exchange from
33 one person to another, whether or not there is an agency relationship.

34 8. "Director" means the director of the department of health services.

35 9. "Dispense" means distribute, leave with, give away, dispose of or
36 deliver.

37 10. "Drug court program" means a program that is established pursuant
38 to section 13-3422 by the presiding judge of the superior court in
39 cooperation with the county attorney in a county for the purpose of
40 prosecuting, adjudicating and treating drug dependent persons who meet the
41 criteria and guidelines for entry into the program that are developed and
42 agreed on by the presiding judge and the prosecutor.

43 11. "Drug dependent person" means a person who is using a substance
44 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in

1 a state of psychological or physical dependence, or both, arising from the
2 use of that substance.

3 12. "Federal act" has the same meaning prescribed in section 32-1901.

4 13. "Isoamidone" means any substance identified chemically as
5 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
6 substance, by whatever trade name designated.

7 14. "Isonipecaïne" means any substance identified chemically as
8 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
9 such substance, by whatever trade name designated.

10 15. "Ketobemidone" means any substance identified chemically as
11 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
12 salt of such substance, by whatever trade name designated.

13 16. "Licensed" or "permitted" means authorized by the laws of this
14 state to do certain things.

15 17. "Manufacture" means produce, prepare, propagate, compound, mix or
16 process, directly or indirectly, by extraction from substances of natural
17 origin or independently by means of chemical synthesis, or by a combination
18 of extraction and chemical synthesis. Manufacture includes any packaging or
19 repackaging or labeling or relabeling of containers. Manufacture does not
20 include any producing, preparing, propagating, compounding, mixing,
21 processing, packaging or labeling done in conformity with applicable state
22 and local laws and rules by a licensed practitioner incident to and in the
23 course of his licensed practice.

24 18. "Manufacturer" means a person who manufactures a narcotic or
25 dangerous drug or other substance controlled by this chapter.

26 19. "Marijuana" means all parts of any plant of the genus cannabis,
27 from which the resin has not been extracted, whether growing or not, and the
28 seeds of such plant. Marijuana does not include the mature stalks of such
29 plant or the sterilized seed of such plant which is incapable of germination.

30 20. "Narcotic drugs" means the following, whether of natural or
31 synthetic origin and any substance neither chemically nor physically
32 distinguishable from them:

33 (a) Acetyl-alpha-methylfentanyl.

34 (b) Acetylmethadol.

35 (c) Alfentanil.

36 (d) Allylprodine.

37 (e) Alphacetylmethadol.

38 (f) Alphameprodine.

39 (g) Alphamethadol.

40 (h) Alpha-methylfentanyl.

41 (i) Alpha-methylthiofentanyl.

42 (j) Alphaprodine.

43 (k) Amidone (methadone).

44 (l) Anileridine.

45 (m) Benzethidine.

1	(n) Benzylfentanyl.
2	(o) Betacetylmethadol.
3	(p) Beta-hydroxyfentanyl.
4	(q) Beta-hydroxy-3-methylfentanyl.
5	(r) Betameprodine.
6	(s) Betamethadol.
7	(t) Betaprodine.
8	(u) Bezitramide.
9	(v) Buprenorphine and its salts.
10	(w) Cannabis.
11	(x) Carfentanil.
12	(y) Clonitazene.
13	(z) Coca leaves.
14	(aa) Dextromoramide.
15	(bb) Dextropropoxyphene.
16	(cc) Diampromide.
17	(dd) Diethylthiambutene.
18	(ee) DifenoXin.
19	(ff) Dihydrocodeine.
20	(gg) Dimenoxadol.
21	(hh) Dimepheptanol.
22	(ii) Dimethylthiambutene.
23	(jj) Dioxaphetyl butyrate.
24	(kk) Diphenoxylate.
25	(ll) Dipipanone.
26	(mm) Ethylmethylthiambutene.
27	(nn) Etonitazene.
28	(oo) EtoXeridine.
29	(pp) Fentanyl.
30	(qq) Furethidine.
31	(rr) Hydroxypethidine.
32	(ss) Isoamidone (isomethadone).
33	(tt) Pethidine (meperidine).
34	(uu) Ketobemidone.
35	(vv) Levomethorphan.
36	(ww) Levomoramide.
37	(xx) Levophenacymorphan.
38	(yy) Levorphanol.
39	(zz) Metazocine.
40	(aaa) 3-methylfentanyl.
41	(bbb) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
42	(ccc) 3-methylthiofentanyl.
43	(ddd) Morpheridine.
44	(eee) Noracymethadol.
45	(fff) Norlevorphanol.

- 1 (ggg) Normethadone.
- 2 (hhh) Norpipanone.
- 3 (iii) Opium.
- 4 (jjj) Para-fluorofentanyl.
- 5 (kkk) Pentazocine.
- 6 (lll) Phenadoxone.
- 7 (mmm) Phenampromide.
- 8 (nnn) Phenazocine.
- 9 (ooo) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 10 (ppp) Phenomorphan.
- 11 (qqq) Phenoperidine.
- 12 (rrr) Piminodine.
- 13 (sss) Piritramide.
- 14 (ttt) Proheptazine.
- 15 (uuu) Properidine.
- 16 (vvv) Propiram.
- 17 (www) Racemethorphan.
- 18 (xxx) Racemoramide.
- 19 (yyy) Racemorphan.
- 20 (zzz) Remifentanil.
- 21 (aaaa) Sufentanil.
- 22 (bbbb) Thenylfentanyl.
- 23 (cccc) Thiofentanyl.
- 24 (dddd) Tilidine.
- 25 (eeee) Trimeperidine.

26 21. "Opium" means any compound, manufacture, salt, isomer, salt of
27 isomer, derivative, mixture or preparation of the following, but does not
28 include apomorphine or any of its salts:

- 29 (a) Acetorphine.
- 30 (b) Acetyldihydrocodeine.
- 31 (c) Benzylmorphine.
- 32 (d) Codeine.
- 33 (e) Codeine methylbromide.
- 34 (f) Codeine-N-oxide.
- 35 (g) Cyprenorphine.
- 36 (h) Desomorphine.
- 37 (i) Dihydromorphine.
- 38 (j) Drotebanol.
- 39 (k) Ethylmorphine.
- 40 (l) Etorphine.
- 41 (m) Heroin.
- 42 (n) Hydrocodone.
- 43 (o) Hydromorphenol.
- 44 (p) Hydromorphone.
- 45 (q) Levo-alphaacetylmethadol.

- 1 (r) Methyldesorphine.
- 2 (s) Methyldihydromorphine.
- 3 (t) Metopon.
- 4 (u) Morphine.
- 5 (v) Morphine methylbromide.
- 6 (w) Morphine methylsulfonate.
- 7 (x) Morphine-N-oxide.
- 8 (y) Myrophine.
- 9 (z) Nalorphine.
- 10 (aa) Nicocodeine.
- 11 (bb) Nicomorphine.
- 12 (cc) Normorphine.
- 13 (dd) Oxycodone.
- 14 (ee) Oxymorphone.
- 15 (ff) Pholcodine.
- 16 (gg) Thebacon.
- 17 (hh) Thebaine.

18 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
19 phenylpropanolamine product" means a product that contains ephedrine,
20 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
21 all of the following:

- 22 (a) Approved for sale under the federal act.
- 23 (b) Labeled, advertised and marketed only for an indication that is
24 approved by the federal food and drug administration.
- 25 (c) Either:
 - 26 (i) A nonliquid that is sold in package sizes of not more than three
27 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
28 phenylpropanolamine and that is packaged in blister packs containing not more
29 than two dosage units or, if the use of blister packs is technically
30 infeasible, that is packaged in unit dose packets or pouches.
 - 31 (ii) A liquid that is sold in package sizes of not more than three
32 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
33 phenylpropanolamine.

34 23. "Peyote" means any part of a plant of the genus *lophophora*, known
35 as the mescal button.

36 24. "Pharmacy" means a licensed business where drugs are compounded or
37 dispensed by a licensed pharmacist.

38 25. "Practitioner" means a person licensed to prescribe and administer
39 drugs.

40 26. "Precursor chemical I" means any material, compound, mixture or
41 preparation which contains any quantity of the following substances and their
42 salts, optical isomers or salts of optical isomers:

- 43 (a) N-acetylanthranilic acid.
- 44 (b) Anthranilic acid.
- 45 (c) Ephedrine.

- 1 (d) Ergotamine.
- 2 (e) Isosafrole.
- 3 (f) Lysergic acid.
- 4 (g) Methylamine.
- 5 (h) N-ethylephedrine.
- 6 (i) N-ethylpseudoephedrine.
- 7 (j) N-methylephedrine.
- 8 (k) N-methylpseudoephedrine.
- 9 (l) Norephedrine.
- 10 (m) (-)-Norpseudoephedrine.
- 11 (n) Phenylacetic acid.
- 12 (o) Phenylpropanolamine.
- 13 (p) Piperidine.
- 14 (q) Pseudoephedrine.

15 27. "Precursor chemical II" means any material, compound, mixture or
16 preparation which contains any quantity of the following substances and their
17 salts, optical isomers or salts of optical isomers:

- 18 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 19 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 20 (c) Chlorephedrine.
- 21 (d) Chlorpseudoephedrine.
- 22 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 23 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 24 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 25 (h) N-formyl amphetamine.
- 26 (i) N-formyl methamphetamine.
- 27 (j) Phenyl-2-propanone.
- 28 (k) 1-piperidinocyclohexane carbonitrile.
- 29 (l) 1-pyrrolidinocyclohexane carbonitrile.

30 28. "Prescription-only drug" does not include a dangerous drug or
31 narcotic drug but means:

32 (a) Any drug which because of its toxicity or other potentiality for
33 harmful effect, or the method of its use, or the collateral measures
34 necessary to its use, is not generally recognized among experts, qualified by
35 scientific training and experience to evaluate its safety and efficacy, as
36 safe for use except by or under the supervision of a medical practitioner.

37 (b) Any drug that is limited by an approved new drug application under
38 the federal act or section 32-1962 to use under the supervision of a medical
39 practitioner.

40 (c) Every potentially harmful drug, the labeling of which does not
41 bear or contain full and adequate directions for use by the consumer.

42 (d) Any drug required by the federal act to bear on its label the
43 legend "Caution: Federal law prohibits dispensing without prescription" or
44 "Rx only".

1 29. "Produce" means grow, plant, cultivate, harvest, dry, process or
2 prepare for sale.

3 30. "Regulated chemical" means the following substances in bulk form
4 that are not a useful part of an otherwise lawful product:

- 5 (a) Acetic anhydride.
- 6 (b) Hypophosphorous acid.
- 7 (c) Iodine.
- 8 (d) Sodium acetate.
- 9 (e) Red phosphorus.
- 10 (f) Gamma butyrolactone (GBL).
- 11 (g) 1, 4-butanediol.
- 12 (h) Butyrolactone.
- 13 (i) 1, 2 butanolide.
- 14 (j) 2-oxanalone.
- 15 (k) Tetrahydro-2-furanone.
- 16 (l) Dihydro-2(3H)-furanone.
- 17 (m) Tetramethylene glycol.

18 31. "Retailer" means either:

19 (a) A person other than a practitioner who sells any precursor
20 chemical or regulated chemical to another person for purposes of consumption
21 and not resale, whether or not the person possesses a permit issued pursuant
22 to title 32, chapter 18.

23 (b) A person other than a manufacturer or wholesaler who purchases,
24 receives or acquires more than twenty-four grams of a precursor chemical.

25 32. "Sale" or "sell" means an exchange for anything of value or
26 advantage, present or prospective.

27 33. "Sale for personal use" means the retail sale for a legitimate
28 medical use in a single transaction to an individual customer, to an employer
29 for dispensing to employees from first aid kits or medicine chests or to a
30 school for administration pursuant to section 15-344.

31 34. "Scientific purpose" means research, teaching or chemical analysis.

32 35. "Suspicious transaction" means a transaction to which any of the
33 following applies:

34 (a) A report is required under the federal act.

35 (b) The circumstances would lead a reasonable person to believe that
36 any person is attempting to possess a precursor chemical or regulated
37 chemical for the purpose of unlawful manufacture of a dangerous drug or
38 narcotic drug, based on such factors as the amount involved, the method of
39 payment, the method of delivery and any past dealings with any participant.

40 (c) The transaction involves payment for precursor or regulated
41 chemicals in cash or money orders in a total amount of more than two hundred
42 dollars.

43 (d) The transaction involves a sale, a transfer or furnishing to a
44 retailer for resale without a prescription of ephedrine, pseudoephedrine,
45 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary

1 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
2 product.

3 36. "Threshold amount" means a weight, market value or other form of
4 measurement of an unlawful substance as follows:

5 (a) One gram of heroin.

6 (b) Nine grams of cocaine.

7 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
8 cocaine.

9 (d) Four grams or 50 milliliters of PCP.

10 (e) Nine grams of methamphetamine, including methamphetamine in liquid
11 suspension.

12 (f) Nine grams of amphetamine, including amphetamine in liquid
13 suspension.

14 (g) One-half milliliter of lysergic acid diethylamide, or in the case
15 of blotter dosage units fifty dosage units.

16 (h) Two pounds of marijuana.

17 (i) For any combination consisting solely of those unlawful substances
18 listed in subdivisions (a) through (h) of this paragraph, an amount equal to
19 or in excess of the threshold amount, as determined by the application of
20 section 13-3420.

21 (j) For any unlawful substance not listed in subdivisions (a) through
22 (h) of this paragraph or any combination involving any unlawful substance not
23 listed in subdivisions (a) through (h) of this paragraph, a value of at least
24 one thousand dollars.

25 37. "Transfer" means furnish, deliver or give away.

26 38. "Vapor-releasing substance containing a toxic substance" means a
27 material which releases vapors or fumes containing any of the following:

28 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
29 isophorone and mesityl oxide.

30 (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane
31 and halogenated hydrocarbons.

32 (c) Ethylene dichloride.

33 (d) Pentachlorophenol.

34 (e) Chloroform.

35 (f) Methylene chloride.

36 (g) Trichloroethylene.

37 (h) Difluoroethane.

38 (i) Tetrafluoroethane.

39 (j) Aldehydes, including formaldehyde.

40 (k) Acetates, including ethyl acetate and butyl acetate.

41 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
42 cumene.

43 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
44 alcohol, butyl alcohol and diacetone alcohol.

45 (n) Ether, including Diethyl ether and petroleum ether.

- (o) Nitrous oxide.
- (p) Amyl nitrite.
- (q) Isobutyl nitrite.

39. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

40. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.

Sec. 2. Section 36-2512, Arizona Revised Statutes, is amended to read:

36-2512. Substances in schedule I

A. The following controlled substances ~~are~~, unless specifically excepted, ARE included in schedule I:

1. Any of the following, including opiates and their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (a) Acetyl-alpha-methylfentanyl.
- (b) Allylprodine.
- (c) Alpha-methylthiofentanyl.
- (d) Alphacetylmethadol.
- (e) Alphameprodine.
- (f) Alphamethadol.
- (g) Alpha-methylfentanyl.
- (h) Benzethidine.
- (i) Benzylfentanyl and its optical isomers, salts and salts of isomers.
- (j) Beta-hydroxyfentanyl.
- (k) Beta-hydroxy-3-methylfentanyl.
- (l) Betacetylmethadol.
- (m) Betameprodine.
- (n) Betamethadol.

- 1 (o) Betaprodine.
- 2 (p) Clonitazene.
- 3 (q) Dextromoramide.
- 4 (r) Diampromide.
- 5 (s) Diethylthiambutene.
- 6 (t) Difenoxin.
- 7 (u) Dimenoxadol.
- 8 (v) Dimepheptanol.
- 9 (w) Dimethylthiambutene.
- 10 (x) Dioxaphetyl butyrate.
- 11 (y) Dipipanone.
- 12 (z) Ethylmethylthiambutene.
- 13 (aa) Etonitazene.
- 14 (bb) Etoxidine.
- 15 (cc) 4-methylaminorex.
- 16 (dd) Furethidine.
- 17 (ee) Hydroxypethidine.
- 18 (ff) Ketobemidone.
- 19 (gg) Levomoramide.
- 20 (hh) Levophenacymorphan.
- 21 (ii) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).
- 22 (jj) Morpheridine.
- 23 (kk) Noracymethadol.
- 24 (ll) Norlevorphanol.
- 25 (mm) Normethadone.
- 26 (nn) Norpipanone.
- 27 (oo) Para-fluorofentanyl.
- 28 (pp) Pepap (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).
- 29 (qq) Phenadoxone.
- 30 (rr) Phenampromide.
- 31 (ss) Phenomorphan.
- 32 (tt) Phenoperidine.
- 33 (uu) Piritramide.
- 34 (vv) Proheptazine.
- 35 (ww) Properidine.
- 36 (xx) Propiram.
- 37 (yy) Racemoramide.
- 38 (zz) Thenylfentanyl and its optical isomers, salts and salts of
- 39 isomers.
- 40 (aaa) Thiofentanyl.
- 41 (bbb) 3-methylfentanyl.
- 42 (ccc) 3-methylthiofentanyl.
- 43 (ddd) Tilidine.
- 44 (eee) Trimeperidine.

1 2. Any of the following opium derivatives and their salts, isomers and
2 salts of isomers, unless specifically excepted, whenever the existence of
3 these salts, isomers and salts of isomers is possible within the specific
4 chemical designation:

- 5 (a) Acetorphine.
- 6 (b) Acetyldihydrocodeine.
- 7 (c) Benzylmorphine.
- 8 (d) Codeine methylbromide.
- 9 (e) Codeine-n-oxide.
- 10 (f) Cyrenorphine.
- 11 (g) Desomorphine.
- 12 (h) Dihydromorphine.
- 13 (i) Drotebanol.
- 14 (j) Etorphine, except hydrochloride salt.
- 15 (k) Heroin.
- 16 (l) Hydromorphenol.
- 17 (m) Methyl-desorphine.
- 18 (n) Methyl-dihydromorphine.
- 19 (o) Morphine methylbromide.
- 20 (p) Morphine methylsulfonate.
- 21 (q) Morphine-n-oxide.
- 22 (r) Myrophine.
- 23 (s) Nicocodeine.
- 24 (t) Nicomorphine.
- 25 (u) Normorphine.
- 26 (v) Pholcodeine.
- 27 (w) Thebacon.

28 3. Any material, compound, mixture or preparation ~~which~~ THAT contains
29 any quantity of the following hallucinogenic substances and their salts,
30 isomers and salts of isomers, unless specifically excepted or unless listed
31 in another schedule, whenever the existence of these salts, isomers and salts
32 of isomers is possible within the specific chemical designation (for THE
33 purposes of this paragraph ~~only the term~~, "isomer" includes the optical,
34 position and geometric isomers):

- 35 (a) 4-bromo-2, 5-dimethoxyamphetamine.
- 36 (b) 2, 5-dimethoxyamphetamine.
- 37 (c) 4-methoxyamphetamine.
- 38 (d) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 39 (e) 4-methyl-2, 5-dimethoxyamphetamine.
- 40 (f) 3, 4-methylenedioxymethamphetamine (MDMA).
- 41 (g) 3, 4-methylenedioxy amphetamine.
- 42 (h) 3, 4, 5-trimethoxy amphetamine.
- 43 (i) alpha-ethyltryptamine.
- 44 (j) Bufotenine.
- 45 (k) Diethyltryptamine.

- 1 (l) Dimethyltryptamine.
- 2 (m) Ibogaine.
- 3 (n) Lysergic acid diethylamide.
- 4 (o) Cannabis, except the synthetic isomer of delta-9-
- 5 tetrahydrocannabinol.
- 6 (p) Mescaline.
- 7 (q) Parahexyl.
- 8 (r) Peyote.
- 9 (s) N-ethyl-3-piperidyl benzilate.
- 10 (t) N-methyl-3-piperidyl benzilate.
- 11 (u) N-hydroxy-3,4-methylenedioxyamphetamine.
- 12 (v) N,N-Dimethylamphetamine.
- 13 (w) 3, 4-methylenedioxy-n-ethylamphetamine.
- 14 (x) Psilocybin.
- 15 (y) Psilocyn.
- 16 (z) Ethylamine analog of phencyclidine.
- 17 (aa) Pyrrolidine analog of phencyclidine.
- 18 (bb) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine.
- 19 (cc) Thiophene analog of phencyclidine.
- 20 (dd) Aminorex.
- 21 (ee) 4-bromo-2,5-dimethoxyphenethylamine.
- 22 (ff) 1-PENTYL-3-(NAPHTHOYL)INDOLE (JWH-018 AND ISOMERS).
- 23 (gg) 1-BUTYL-3-(NAPHTHOYL)INDOLE (JWH-073 AND ISOMERS).
- 24 (hh) 1-HEXYL-3-(NAPHTHOYL)INDOLE (JWH-019 AND ISOMERS).
- 25 (ii) 1-PENTYL-3-(4-CHLORO NAPHTHOYL)INDOLE (JWH-398 AND ISOMERS).
- 26 (jj) 1-(2-(4-(MORPHOLINYL)ETHYL))-3-(NAPHTHOYL)INDOLE (JWH-200 AND
- 27 ISOMERS).
- 28 (kk) 1-PENTYL-3-(METHOXYPHENYLACETYL)INDOLE (JWH-250 AND ISOMERS).
- 29 (ll) (2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-NAPHTHALENYL-METHANONE
- 30 (JWH-015 AND ISOMERS).
- 31 (mm) (6aR,10aR)-9-(HYDROXYMETHYL)-6,6-DIMETHYL-3-(2-METHYLOCTAN-2-YL)-
- 32 6a,7,10,10a-TETRAHYDROBENZO[C]CHROMEN-1-OL) (HU-210).
- 33 (nn) 5-(1,1-DIMETHYLHEPTYL)-2-(3-HYDROXYCYCLOHEXYL)-PHENOL (CP 47,497
- 34 AND ISOMERS).
- 35 (oo) 5-(1,1-DIMETHYLOCTYL)-2-(3-HYDROXYCYCLOHEXYL)-PHENOL
- 36 (CANNABICYCLOHEXANOL, CP-47,497 C8 HOMOLOGUE AND ISOMERS).
- 37 4. Any of the following substances having a depressant effect on the
- 38 central nervous system, including their salts, isomers and salts of isomers,
- 39 unless specifically excepted or listed in another schedule, whenever the
- 40 existence of such salts, isomers and salts of isomers is possible within the
- 41 specific chemical designation:
- 42 (a) Mecloqualone.
- 43 (b) Methaqualone.
- 44 5. Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound,
- 45 derivative or preparation of gamma-hydroxybutyric acid, including any

1 isomers, esters and ethers and salts of isomers, esters and ethers of
2 gamma-hydroxybutyric acid, except gamma-butyrolactone if the existence of the
3 isomers, esters and salts is possible within the specific chemical
4 designation. Notwithstanding any other provision of the federal food, drug
5 and cosmetic act, for purposes of security requirements imposed by law or
6 regulation on registered distributors and registered manufacturers, this
7 substance if manufactured, distributed or processed in accordance with an
8 exemption approved under section 505 of the federal food, drug and cosmetic
9 act is a controlled substance in schedule III pursuant to section 36-2514.

10 6. Any of the following stimulants including their salts, isomers and
11 salts of isomers, unless specifically excepted or listed in another schedule,
12 whenever the existence of these salts, isomers and salts of isomers is
13 possible within the specific chemical designation:

- 14 (a) Methcathinone.
- 15 (b) Fenethylamine.
- 16 (c) N-ethylamphetamine.
- 17 (d) (+)cis-4-methylaminorex((+)cis-4,5-dihydro-4-methyl-5-
18 phenyl-2-oxazoline).

19 B. The board may except by rule any compound, mixture or preparation
20 containing any substance listed in this section from the application of all
21 or any part of this chapter if the compound, mixture or preparation contains
22 one or more active medicinal ingredients and if the admixtures are included
23 therein in combinations, quantity, proportion or concentration that vitiates
24 the potential for abuse.

25 Sec. 3. Emergency

26 This act is an emergency measure that is necessary to preserve the
27 public peace, health or safety and is operative immediately as provided by
28 law.

UNANIMOUSLY ADOPTED BY THE HOUSE WITH EMERGENCY FEBRUARY 3, 2011.

ADOPTED BY THE SENATE WITH EMERGENCY FEBRUARY 10, 2011.

APPROVED BY THE GOVERNOR FEBRUARY 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 18, 2011.

Passed the House February 3, 2011

Passed the Senate February 10, 2011

by the following vote: 60 Ayes,

by the following vote: 29 Ayes,

0 Nays, 0 Not Voting

0 Nays, 1 Not Voting

With Emergency
Speaker of the House

With Emergency
President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmion Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

14 day of February, 20 11

at 2:25 o'clock P. M.

Spide Bendle
Secretary to the Governor

Approved this 18th day of

February

at 4:30 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18th day of February, 20 11

at 4:51 o'clock P. M.

Kela Blumeth
Secretary of State

H.B. 2167